

REMARKS

35 U.S.C. § 112 ¶ 2 Claim Rejection

The Examiner has rejected claims 40-47, 49-50 and 73-77 as being indefinite under 35 U.S.C. § 112 ¶ 2 because the Examiner argues that the claim language referring to the frame as including a tubular structure formed of threads circumferentially wrapped about the frame is vague and unclear. In response, Applicant has amended claim 40 to more clearly recite that the support frame includes “a tubular structure having one or more circumferentially wrapped frame threads.” Accordingly, the Examiner may now withdraw the § 112 ¶ 2 rejection.

35 U.S.C. § 103 Claim Rejections – Claims 40-47, 49-50 and 73-89

The Examiner has rejected claims 40-47, 50, 74-75, 78-79 and 84-85 as being unpatentable under 35 U.S.C. § 103(a) over Summers (U.S. Patent No. 6,080,191) in view of Euteneuer (U.S. Patent No. 5,681,345) in further view of McCrory (U.S. Patent No. 5,951,599). The Examiner has also rejected claims 73, 81 and 87 as being unpatentable under 35 U.S.C. § 103(a) over Summers in view of Euteneuer in further view of McCrory and in further view of Bynon et al. (U.S. Patent No. 5,667,523). The Examiner has also rejected claims 49, 80 and 86 as being unpatentable under 35 U.S.C. § 103(a) over Summers in view of Euteneuer in further view of McCrory and in further view of Wulfman et al. (U.S. Patent Publication No. 2003/0139802). The Examiner has also rejected claims 76-77, 82-83 and 88-89 as being unpatentable under 35 U.S.C. § 103(a) over Summers in view of Euteneuer in further view of McCrory and in further view of Goicoechea et al. (U.S. Patent No. 6,165,213).

Applicant has carefully considered the Examiner’s comments. In response, Applicant has amended claims 40, 78 and 84. Applicant respectfully submits that the claims as now presented are allowable over the prior art of record. In particular, claims 40, 78 and 84 recite that the graft material is secured to the support frame by folding the end of the graft material around one of the frame threads and along an inner surface of the support frame so that there is an area of double thickness of two layers of the graft

material and “affixing said two layers to each other without connecting said graft material to said one of said frame threads.”

The Examiner argues that Euteneuer teaches the claimed structure for attaching the graft material to the stent. However, in Euteneuer, the two layers of double thickness are not affixed to each other. Indeed, as shown in Figure 7 of Euteneuer, the two layers of the graft material do not even touch each other. Thus, Euteneuer does not disclose Applicant’s limitation that the two layers are affixed to each other. As disclosed in the specification, the two layers of the graft material may be connected to each other with adhesive, sutures or other suitable securement means. (§ [0036]). Thus, the most reasonable interpretation of the claim language is that the two layers must actually be attached to each other, not merely folded over the end of the stent or merely touching each other.

Furthermore, the Examiner admits that the graft material in Euteneuer is “attached to the stent frame by barbs.” (Office Action at 4). As explained above, the graft material in Euteneuer is not secured to the stent frame by affixing two layers of the graft material together as claimed. Instead, the graft material in Euteneuer is directly connected to the stent frame with barbs extending from the stent frame. Therefore, Euteneuer fails to disclose Applicant’s claim limitation that the graft material is secured to the stent frame “without connecting said graft material to said one of said frame threads.” In fact, because Euteneuer clearly discloses that the graft material is connected to the frame threads with barbs, Euteneuer teaches the opposite of what Applicant has claimed.

Accordingly, because the prior art of record does not disclose or suggest all of the limitations of claims 40, 78 and 84, Applicant’s independent claims are allowable as now presented. Claims 41-47, 49-50, 73-77, 79-83 and 85-89 are also allowable since these claims depend from claims 40, 78 and 84 and include all of the limitations thereof. Any further arguments that could be made in support of Applicant’s dependant claims would be superfluous and are unnecessary at this time

35 U.S.C. § 103 Claim Rejections – Claim 90

The Examiner has rejected claims 90-91 as being unpatentable under 35 U.S.C. § 103(a) over Summers in view of Euteneuer in further view of McCrory and in further view of Goicoechea et al. In order to expedite allowance of Applicant's claims, Applicant has incorporated the limitations of claim 91 into claim 90 and has cancelled claim 91.

Claim 90 requires at least three radiopaque markers. The first and second radiopaque markers are positioned adjacent the first and second lateral edges of the graft material. The third radiopaque marker is positioned adjacent the graft material between the first and second radiopaque markers. An embodiment of the invention is shown in Figures 7 and 8A-8B where radiopaque marker 266c is positioned between radiopaque markers 266a and 266b and is positioned adjacent to the graft material. The position of the third radiopaque marker provides an additional visual reference that aids the physician in orienting the stent-graft circumferentially in the vessel. (Specification at ¶¶ [0045]-[0047]).

Goicoechea merely teaches the general use of radiopaque markers for positioning a stent. However, the Examiner has not cited to any portion of Goicoechea that teaches the specific arrangement claimed by Applicant for use with a partially covered stent-graft. As explained above, Applicant's claim specifically requires three radiopaque markers located at defined positions on a partially covered stent-graft to permit the physician to position the stent in a particular rotational orientation to treat one side of a vessel in need of treatment. It is respectfully submitted that Goicoechea does not teach these limitations.

Accordingly, because the prior art of record does not disclose or suggest all of the limitations of claim 90, this claim is also allowable as now presented

Conclusion

In response to the Examiner's comments, Applicant has amended claims 40, 78, 84 and 90. None of the prior art of record discloses or suggests all of the limitations required by the claims as now presented. Thus, Applicant's claims are allowable. Accordingly, Applicant requests reconsideration and allowance of the application.

Respectfully submitted,

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